

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. No. 05-11682MLW

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|-------------------------|---|
| _____ |) |
| L & T YACHT SALES, INC. |) |
| Plaintiff, |) |
| |) |
| v. |) |
| |) |
| |) |
| POST MARINE CO., INC., |) |
| |) |
| Defendant |) |
| _____ |) |

Defendant's Notice of Withdrawal of Objection to Venue

Defendant Post Marine Co., Inc. ("Post") hereby withdraws its defense, contained in its Memorandum of Law in Support of Defendant's Motion for Summary Judgment (at p. 19) and its Tenth Affirmative Defense, that venue is improper in this district. As grounds, Post states that the parties and the Court have already devoted substantial time, energy and expense to litigating this case in this district. Dismissal on the grounds of improper venue would not be in the interests of judicial economy, and Post therefore withdraws its objection based on venue.

/s/ Howard M. Brown

Howard M. Brown

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Dated: August 9, 2007

Attorney for Post Marine Co., Inc.